

Application No.: 10/791,325**Docket No.: JCLA12795****REMARKS****Present Status of the Application**

This is a full and timely response to the outstanding non-final Office Action mailed on January 27, 2005. The Office Action has rejected claims 1, 3-4, 6, 8-9, 11-12, 14, 16-17 under 35 U.S.C. 102(e) as being anticipated by Worley (US 6,710,376 B2). The Office Action has also rejected claims 2, 5, 7, 10, 13 and 15 under 35 U.S.C. 103(a) as being unpatentable over Worley.

Claims 1-17 remain pending of which claims 1 and 9 have been amended and cancelled claim 17 to more accurately describe the present invention. Claims 18-19 have been newly added. It is believed that no new matter is added by way of these amendments made to the claims or otherwise to the application.

After carefully considering the remarks set forth in this Office Action and the cited references, Applicants respectfully submitted that the presently pending claims are already in condition for allowance. Reconsideration and withdrawal of the Examiner's rejection are requested.

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Discussion of Office Action Objection

The Office Action objected to the drawings for failing to show every feature of the invention specified in the claims.

Applicants have cancelled claim 17 to render the objection moot. Withdrawal of the objection is respectfully requested.

Discussion of Office Action Rejections

The Office Action rejected claims rejected claims 1, 3-4, 6, 8-9, 11-12, 14, 16-17 under 35 U.S.C. 102(e) as being anticipated by Worley (US 6,710,376 B2).

To properly anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, 'either expressly or inherently described, in a single prior art reference.' Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully assert that Worley is legally deficient for the purpose of anticipating claims 1 and 9 for the reasons as set forth below.

The present invention teaches in claims 1 and 9, among other things, '*.. a chip set on the second surface of the transparent plate only above the non-illumination area ...*'.

Contrary to the Office's allegation, Worley at least does not teach the above claimed features. If the transparent plate of Worley is construed to cover both the illumination region (117, 170) where LEDs and light detectors are formed and the non-illumination region (114, 177) as in Fig. 1A-1B and Fig. 2B, the top silicon substrate (105, 155 or 206) Worley formed over the

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transparent plate is also above both the non-illumination region and the illumination region. The instant case, however, teaches a chip is set only above the non-illumination area.

For at least these reasons, Applicant respectfully asserts that Worley fails to teach or suggest the present invention or to render claims 1 and 9 anticipated. Since claims 2-8, 10-17 are dependent claims, which further define the invention recited in claims 1 and 9, Applicants respectfully assert that these claims also are in condition for allowance. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

The Office Action rejected claims 2, 5, 7, 10, 13 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Worley.

With regard to the 103 rejections of claims by Worley, Applicants respectfully submit that these claims defined over the prior art references for at least the reasons discussed above.

For at least the reason set forth hereinbefore, Applicants submit that the rejections to claims 2, 5, 7, 10, 13 and 15 have been traversed, rendered moot, and/or accommodated, and that the pending claims 2, 5, 7, 10, 13 and 15 are in condition for allowance. Favorable consideration and allowance of the present application and all pending claims are hereby courteously requested.

Newly Added Claims:

New claims 18-19 are written in independent form, reciting a chip set on the second surface of the transparent plate substantially above the non-illumination area. Claims 18-19 are believed patentable for the above reasons.

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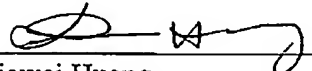
CONCLUSION

For at least the foregoing reasons, it is believed that the presently pending claims 1-16, 18-19 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date: 4/27/2005

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